

**Fill in this information to identify your case:**

United States Bankruptcy Court for the:

WESTERN DISTRICT OF TEXAS

Case number (if known)

Chapter

11☐ Check if this an amended filing

## Official Form 201

**Voluntary Petition for Non-Individuals Filing for Bankruptcy**

06/22

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Fulton Mercer Corporation

2. All other names debtor used in the last 8 years  
 Include any assumed names, trade names and doing business as names

**DBA Heritage Funeral Homes**  
**DBA Heritage Flower Shop**  
**DBA Heritage Crematory**  
**DBA Davis Morris Chapel**  
**DBA Jones Florist**

3. Debtor's federal Employer Identification Number (EIN) 83-3054356

4. Debtor's address

Principal place of business

Mailing address, if different from principal place of business

**300 N Bridge St**  
**Brady, TX 76825**

Number, Street, City, State &amp; ZIP Code

P.O. Box, Number, Street, City, State &amp; ZIP Code

**McCulloch**  
 County

**Location of principal assets, if different from principal place of business**

Number, Street, City, State &amp; ZIP Code

5. Debtor's website (URL) www.heritagefuneraltx.com

6. Type of debtor

- ☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))  
☐ Partnership (excluding LLP)  
☐ Other. Specify: \_\_\_\_\_

Debtor **Fulton Mercer Corporation**  
Name

Case number (if known)

**7. Describe debtor's business** A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☒ None of the above

## B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. §501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

**8122****8. Under which chapter of the Bankruptcy Code is the debtor filing?** Check one:

- ☐ Chapter 7
- ☐ Chapter 9
- ☒ Chapter 11. Check **all** that apply:

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

- ☒ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$3,024,725. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☒ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11**. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**

- ☐ No.
- ☒ Yes.

If more than 2 cases, attach a separate list.

District **Western District of Texas**

District

When **8/01/23**Case number **23-10590**

When

Case number

**10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?**

- ☒ No
- ☐ Yes.

Debtor **Fulton Mercer Corporation** Case number (if known) \_\_\_\_\_  
NameList all cases. If more than 1,  
attach a separate listDebtor \_\_\_\_\_ Relationship \_\_\_\_\_  
District \_\_\_\_\_ When \_\_\_\_\_ Case number, if known \_\_\_\_\_**11. Why is the case filed in this district?**

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

**12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?**☐ No☒ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.**Why does the property need immediate attention?** (Check all that apply.)☒ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.What is the hazard? **Debtor operates a funeral home and crematory.**☐ It needs to be physically secured or protected from the weather.☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).☐ Other \_\_\_\_\_**Where is the property?****300 N Bridge St  
Brady, TX, 76825-0000**

Number, Street, City, State &amp; ZIP Code

**Is the property insured?**☐ No☒ Yes. Insurance agency**Federated Insurance**

Contact name \_\_\_\_\_

Phone \_\_\_\_\_

**Statistical and administrative information****13. Debtor's estimation of available funds**

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

**14. Estimated number of creditors**

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000-5,000   | <input type="checkbox"/> 25,001-50,000     |
| <input type="checkbox"/> 50-99           | <input type="checkbox"/> 5001-10,000   | <input type="checkbox"/> 50,001-100,000    |
| <input type="checkbox"/> 100-199         | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input type="checkbox"/> 200-999         |  |  |

**15. Estimated Assets**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> \$0 - \$50,000          | <input checked="" type="checkbox"/> \$1,000,001 - \$10 million | <input type="checkbox"/> \$500,000,001 - \$1 billion     |
| <input type="checkbox"/> \$50,001 - \$100,000    | <input type="checkbox"/> \$10,000,001 - \$50 million           | <input type="checkbox"/> \$1,000,000,001 - \$10 billion  |
| <input type="checkbox"/> \$100,001 - \$500,000   | <input type="checkbox"/> \$50,000,001 - \$100 million          | <input type="checkbox"/> \$10,000,000,001 - \$50 billion |
| <input type="checkbox"/> \$500,001 - \$1 million | <input type="checkbox"/> \$100,000,001 - \$500 million         | <input type="checkbox"/> More than \$50 billion          |

**16. Estimated liabilities**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> \$0 - \$50,000          | <input checked="" type="checkbox"/> \$1,000,001 - \$10 million | <input type="checkbox"/> \$500,000,001 - \$1 billion     |
| <input type="checkbox"/> \$50,001 - \$100,000    | <input type="checkbox"/> \$10,000,001 - \$50 million           | <input type="checkbox"/> \$1,000,000,001 - \$10 billion  |
| <input type="checkbox"/> \$100,001 - \$500,000   | <input type="checkbox"/> \$50,000,001 - \$100 million          | <input type="checkbox"/> \$10,000,000,001 - \$50 billion |
| <input type="checkbox"/> \$500,001 - \$1 million | <input type="checkbox"/> \$100,000,001 - \$500 million         | <input type="checkbox"/> More than \$50 billion          |

Debtor **Fulton Mercer Corporation** Case number (if known) \_\_\_\_\_  
 Name

**Request for Relief, Declaration, and Signatures**

**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature  
of authorized  
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **May 6, 2024**  
 MM / DD / YYYY

**X** /s/ Jason Fulton  
 Signature of authorized representative of debtor  
 Title **President**

**Jason Fulton**  
 Printed name

**18. Signature of attorney**

**X** /s/ Amy Wilburn  
 Signature of attorney for debtor

Date **May 6, 2024**  
 MM / DD / YYYY

**Amy Wilburn**  
 Printed name

**Gravis Law, PLLC**  
 Firm name

**7350 Cirque Dr W Ste 102**  
**University Place, WA 98467**  
 Number, Street, City, State & ZIP Code

Contact phone **253-525-5714** Email address **awilburn@gravislaw.com**

**49583 WA**  
 Bar number and State

**Fill in this information to identify the case:**Debtor name **Fulton Mercer Corporation**United States Bankruptcy Court for the: **WESTERN DISTRICT OF TEXAS**

Case number (if known): \_\_\_\_\_

☐ Check if this is an  
amended filing**Official Form 204****Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders**

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Ally Bank c/o AIS Portfolio Services LLC 4615 N Santa Fe Ave Dept APS Oklahoma City, OK 73118		2020 Chevrolet Suburban VIN: 1GNSCHKCXL236801		\$36,673.52	\$24,000.00	\$12,673.52
Ally Bank c/o AIS Portfolio Services LLC 4615 N Santa Fe Ave Dept APS Oklahoma City, OK 73118		2019 Cadillac XTS VIN: 2G61P5S35K9102281		\$35,100.90	\$26,325.00	\$8,775.90
American Hallmark PO Box 901089 Fort Worth, TX 76101-2089		Insurance				\$13,178.00
Amex PO Box 7871 Fort Lauderdale, FL 33329		Revolving Account				\$80,000.00
Aramark 22808 Network Place Chicago, IL 60673-1228		Laundering Services				\$163,511.00
Batesville Casket Company PO Box 644559 Pittsburgh, PA 15264-4559		Supplier/Vendor				\$26,061.00
Batesville Casket Company PO Box 644559 Pittsburgh, PA 15264-4559		Supplier/Vendor				\$21,175.00

Debtor **Fulton Mercer Corporation**  
Name

Case number (if known)

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Batesville Casket Company PO Box 644559 Pittsburgh, PA 15264-4559		Supplier/Vendor				\$20,224.96
Batesville Casket Company PO Box 644559 Pittsburgh, PA 15264-4559		Supplier/Vendor				\$17,959.00
Central Insurance PO Box 828 Van Wert, OH 45891		Insurance				\$10,000.00
Everest Business Funding 8200 NW 52nd Terrace 2nd Floor Miami, FL 33166		90 days or less: Accounts Receivable		\$58,000.00	\$17,526.55	\$58,000.00
Federated Insurance PO Box 95231 Chicago, IL 60694-5231		Insurance				\$27,101.20
First Business Specialty Finance LLC 11300 Tomahawk Creek Pkwy #100 Leawood, KS 66211-2700		Crematory Equipment		\$96,949.44	\$5,000.00	\$91,949.44
Grasshopper Bank 915 Broadway 7th Floor New York, NY 10010		Lien on personal property		\$667,441.41	\$309,635.55	\$357,805.86
Internal Revenue Service PO Box 7346 Philadelphia, PA 19101-7346		2022 Corp, 2023 Q1, Q2, Q3 WT-FICA				\$40,155.55
Jason Fulton 1172 Naruna Road Lampasas, TX 76550		Monies loaned				\$229,700.00
LG Funding LLC 1218 Union Street Brooklyn, NY 11225		90 days or less: Accounts Receivable		\$62,000.00	\$17,526.55	\$44,473.45
Ronnie Holloway PO Box 33 Pontotoc, TX 76869		Alleged amount owed for purchase of business	Disputed			\$90,000.00

Debtor **Fulton Mercer Corporation**

Case number (if known)

Name

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Texas Comptroller of Public Accounts PO Box 13528 Austin, TX 78711		Sales Tax				\$8,321.68
Wilbert 5111 SE Loop 410 San Antonio, TX 78222		Supplier/Vendor				\$16,809.00

Ally Bank  
c/o AIS Portfolio Services LLC  
4515 N Santa Fe Avenue  
Dept APS  
Oklahoma City, OK 73118

Ally Bank  
c/o AIS Portfolio Services LLC  
4615 N Santa Fe Ave  
Dept APS  
Oklahoma City, OK 73118

American Hallmark  
PO Box 901089  
Fort Worth, TX 76101-2089

Amex  
PO Box 7871  
Fort Lauderdale, FL 33329

Aramark  
22808 Network Place  
Chicago, IL 60673-1228

Batesville Casket Company  
PO Box 644559  
Pittsburgh, PA 15264-4559

Brown County Appraisal District  
403 Fisk Ave  
Brownwood, TX 76801-2929

Brown County Tax Assessor/Collector  
403 Fisk Avenue  
Brownwood, TX 76801-2929

Central Insurance  
PO Box 828  
Van Wert, OH 45891

Citizens National Bank  
118 S Houston  
Cameron, TX 76520



Everest Business Funding  
8200 NW 52nd Terrace  
2nd Floor  
Miami, FL 33166

Federated Insurance  
PO Box 95231  
Chicago, IL 60694-5231

First Business Bank  
401 Charmany Drive  
Madison, WI 53719

First Business Speciality Finance LLC  
von Briesen & Roper, SC  
10 E Doty Street  
Suite 900  
Madison, WI 53703-3390

First Business Specialty Finance LLC  
11300 Tomahawk Creek Pkwy  
#100  
Leawood, KS 66211-2700

Grasshopper Bank  
915 Broadway  
7th Floor  
New York, NY 10010

Greenleaf Cemetary Association  
2701 Hwy 377 S  
Brownwood, TX 76801

Incredible Bank  
PO Box 777  
Wausau, WI 54402

Internal Revenue Service  
PO Box 7346  
Philadelphia, PA 19101-7346

James Mercer  
1172 Naruna Road  
Lampasas, TX 76550

Jason Fulton  
1172 Naruna Road  
Lampasas, TX 76550

John T Banks  
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3301 Northland Drive  
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Austin, TX 78731

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PO Box 1269  
Round Rock, TX 78680-1269

Karl Quibe, Esq  
5400 Bosque Blvd  
Waco, TX 76710

Lamar Companies  
PO Box 746966  
Atlanta, GA 30374

Lampasas Central Appraisal District  
PO Box 175  
Lampasas, TX 76550

LG Funding LLC  
1218 Union Street  
Brooklyn, NY 11225

McCulloch County Appraisal District  
306 W Lockhard Street  
Brady, TX 76825-4113

Menard County Appraisal District  
PO Box 1008  
Menard, TX 76859

Michael P. Menton  
3333 Lee Parkway  
Eighth Floor  
Dallas, TX 75219

PNC Bank NA  
PO Box 747066  
Pittsburgh, PA 15274-7066

Ronnie Halloway  
PO Box 33  
Pontotoc, TX 76869

Santander Consumer USA Inc  
dba Chrysler capital  
PO Box 961278  
Fort Worth, TX 76161

Santander Bank  
75 State Street  
Boston, MA 02109

SettlePou  
3333 Lee Parkway  
Eighth Floor  
Dallas, TX 75219

Shaw Cowart LLP  
1609 Shoal Creek  
Suite 301  
Austin, TX 78701

Small Business Administration  
409 3rd St. SW  
Washington, DC 20416

Texas Comptroller of Public Accounts  
PO Box 13528  
Austin, TX 78711

Total Office Solutions  
1601 N Lee Ave  
Odessa, TX 79761

Wilbert  
5111 SE Loop 410  
San Antonio, TX 78222

William Itza Hernandez  
c/o Hernandez Law Firm  
16850 Dallas Parkway  
Dallas, TX 75248

**United States Bankruptcy Court  
Western District of Texas**

In re **Fulton Mercer Corporation**

Debtor(s)

Case No.

Chapter

**11**

**CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)**

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **Fulton Mercer Corporation** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

**James Mercer**  
**1172 Naruna Road**  
**Lampasas, TX 76550**

**Jason Fulton**  
**1172 Naruna Road**  
**Lampasas, TX 76550**

☐ None [*Check if applicable*]

**May 6, 2024**

Date

**/s/ Amy Wilburn**

**Amy Wilburn**

Signature of Attorney or Litigant

Counsel for **Fulton Mercer Corporation**

**Gravis Law, PLLC**

**7350 Cirque Dr W Ste 102**

**University Place, WA 98467**

**253-525-5714**

**awilburn@gravislaw.com**